



State of Wisconsin  
2003-2004 LEGISLATURE

2005

SOON

0952/P1

LRB-3603/P1

BEM:.....

g's

SAV  
x-refs  
new CRS

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

\* LPS:  
PWF all  
sections  
containing  
amended text \*

LPS:  
replace every  
instance of  
"verbage"  
with "verbiage".

Revisors bill - do NOT Gen Cat  
do NOT Sort

LPS: please fix  
request sheet as indicated

1 **AN ACT** ...; relating to: repealing, consolidating, renumbering, amending and  
2 revising various provisions of the statutes for the purpose of correcting errors,  
3 supplying omissions, correcting, and clarifying references, and eliminating  
4 defects, anachronisms, conflicts, ambiguities, and obsolete provisions  
5 (Revisor's Revision Bill).

*Analysis by the Legislative Reference Bureau*

This revisor's revision bill is explained in the NOTES provided by the revisor of statutes in the body of the bill. The overall purpose of this bill to improve readability, add clarity, and conform existing statutes with current drafting style. In accordance with a change in drafting style, commas after the last item in a series are added throughout this bill. "Which" is replaced by "that" where grammatically correct. This bill is not intended to make any substantive changes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

NOTE: This bill is not intended to make any substantive changes.

6 X SECTION 1. 5.15 (1) (a) of the statutes is renumbered 5.15 (6) (a) 1. and amended  
7 to read:

\*\*\* NOTE: See my  
changes in analysis. CJS

1

✓

1<sup>B</sup>

5.15 (5) (a) 1. Every city, village, and town in this state shall by its common council or village or town board, respectively, be divided into wards as provided in this section, except as authorized in sub. (2). The boundaries of the wards established under this section, and the number assigned to each ward, are intended to be as permanent as possible, and to this end each ward shall when created contain a population at a convenient point within the applicable population range under sub. (2) (b), with due consideration for the known trends of population increase or decrease within that part of the municipality in which the ward is located.

\*\*\* NOTE: See my change with respect to what number this statute is renumbered to. OK? CJS

2. Once established, the boundaries of each ward shall remain unchanged until a further decennial federal census of population indicates that the population of a ward is then above or below the applicable population range or until the ward boundaries are required to be changed to permit creation of supervisory or aldermanic districts of substantially equal population <sup>PLAIN</sup> or The boundaries of a ward may also be changed to enhance the participation of members of a racial or language minority group in the political process and their ability to elect representatives of their choice.

3. If the population of a ward has increased above the maximum of its population range or if the population of a ward must be decreased for a reason specified in ~~this paragraph~~ <sup>cs</sup> subd. 2., the ward shall be divided into 2 or more wards in compliance with sub. (2) (b). If the population of a ward has decreased below the minimum of its population range or if the population of a ward must be increased for a reason specified in ~~this paragraph~~ subd. 2., the ward shall, if possible, be combined with an adjoining ward, or the underpopulated ward and one adjoining ward shall be combined and together subdivided into 2 or more wards in compliance with sub.

(2).

\*\*\* NOTE: See reversal of proposed change, made by JTK. JTK explains: "Currently, ward boundaries are not changed in mid-decade to enhance minority participation. The current language is unclear on this point. The breakout makes it even less clear. I would leave it alone for now."

x-ref - e.g.,  
something like "the  
ballots under  
subs... to...". CJS

\*\*\*\* NOTE: Since this statute is being  
renumbered to no longer be an intro.,  
the reference to "the following ballots"  
should be changed to a numerical

(except 5.58 (title))

NOTE: Divides long sentence to correct sentence agreement and subdivides long  
provision for improved readability and conformity with current style.

1 X SECTION 2. 5.58 (intro.) of the statutes, as affected by 2003 Wisconsin Act 24,

2 is renumbered 5.58 (1a) and amended to read:

3 5.58 **Spring primary ballots. (1a)** GENERALLY. At spring primary elections  
4 the following ballots, when necessary, shall be provided for each ward, except as  
5 authorized in s. 5.655. Except as provided under sub. (2r), only nonpartisan  
6 candidates nominated for office by nomination papers shall have their names placed  
7 on the official spring primary ballot under the proper office designation, but the  
8 ballots shall allow room for write-in candidates.

NOTE: Renumbers provision that is not an introductory paragraph according to  
current style. Adds a title for conformity with the remainder of the section.

(except 5.58 (1)(title))

9 SECTION 3. 5.58 (1) (intro.) of the statutes is renumbered 5.58 (1b) (am).

INS BBB

NOTE: Renumbers provision that is not an introductory paragraph according to  
current style.

10 X SECTION 4. 5.58 (1) (a) of the statutes, as affected by 2003 Wisconsin Act, is  
11 renumbered 5.58 (1b) (bm).

and (c)

and  
(cm)

OK?

are

NOTE: Renumbers provision to accommodate the renumbering of s. 5.58 (1) (intro.)  
by this bill.

\*\*\*\* NOTE: See my changes. CJS

(except 5.58 (2r)(title))

12 X SECTION 5. 5.58 (2r) (intro.) of the statutes, as affected by 2003 Wisconsin Act  
13 24, section 4, is renumbered 5.58 (2r) (am) and amended to read:

14 5.58 (2r) (am) Except as authorized in s. 5.655, there shall be a separate ballot  
15 for each recognized political party filing a certification under s. 8.12 (1), listing the  
16 names of all potential candidates of that party determined under s. 8.12 and  
17 affording, in addition, an opportunity to the voter to nominate another potential  
18 candidate by write-in vote or to vote for an uninstructed delegation to the party  
19 convention. The order of ~~such~~ presidential candidates on the ballot shall be  
20 determined by lot by or under the supervision of the board. Each voter shall be given

\*\*\*\* NOTE: See my change to action phrase here and similar changes  
in several of the next bill SECTIONS. CJS

15

CS

the ballots of all the parties participating in the presidential preference vote, but may vote on one ballot only.

NOTE: Renumbers provision that is not an introductory paragraph according to current style. Replaces a disfavored term and inserts a specific reference.

✓ SECTION 6. 5.58 (2r) (a) of the statutes, as affected by 2003 Wisconsin Act 24, section 4, is renumbered 5.58 (2r) (bm).  
STET: leave as typed.

NOTE: Renumbers provision to accommodate the renumbering of s. 5.58 (2r) (intro.) by this bill.  
STET: leave as typed.

✓ SECTION 7. 5.60 (intro.) of the statutes is amended to read:

**5.60 Spring election ballots.** (intro.) At spring elections all of the following ballots, when necessary, shall be provided for each ward, except as authorized in s. 5.655: (except 5.60 (1) (title))

NOTE: Conforms introductory provision to current style.

✓ SECTION 8. 5.60 (1) (intro.) of the statutes is renumbered 5.60 (1) (ag) and amended to read:

5.60 (1) (ag) There shall be one separate ballot for state superintendent, judicial officers, county executive, and county supervisor, except as authorized in s. 5.655. For county supervisor, the ballot shall be prepared in accordance with ss. 5.58 (2) and 59.10 (3). Arrangement of the names of candidates for county executive, county supervisor and municipal judge, if the judge is elected under s. 755.01 (4), shall be determined by the county clerk or the executive director of the county board of election commissioners determining ballot arrangement under s. 5.58 (1c), in the manner prescribed in par. (b).  
STET: leave as typed.

→ \*\*\*\* Note: 1 scored in a comma. CJS  
NOTE: Renumbers provision that is not an introductory provision according to current style.

✓ SECTION 9. 5.60 (1) (a) of the statutes is renumbered 5.60 (1) (ar).

NOTE: Renumbers provision to accommodate the renumbering of s. 5.60 (1) (intro.) by this bill.

(except 5.60  
(3)(+title))

1 ✕ SECTION 10. 5.60 (3) (intro.) of the statutes is amended to read: ✓

2 5.60 (3) CITY. (intro.) Except as authorized in s. 5.655, there shall be a separate  
3 ballot giving the names of all candidates for city offices, printed in the same form as  
4 prescribed by the board under s. 7.08 (1) (a). City election ballots may vary in form  
5 to conform to the law under which an election is held <sup>Ⓢ ← struck period</sup> subject to all of the following: ✓

INS  
JJJ

NOTE: Conforms introductory provision to current style.

(except 5.60  
(5)(+title))

6 ✕ SECTION 11. 5.60 (5) (intro.) of the statutes is renumbered 5.60 (5) (ag). ✓

NOTE: Renumbers provision that is not an introductory provision according to current style.

7 ✓ SECTION 12. 5.60 (5) (a) of the statutes is renumbered 5.60 (5) (ar). ✓

NOTE: Renumbers provision to accommodate the renumbering of s. 5.60 (5) (intro.) by this bill.

8 ✕ SECTION 13. 5.62 (4) (intro.) of the statutes is renumbered 5.60 (4) (ag). ✓

STET: leave  
as typed.

NOTE: Renumbers provision that is not an introductory provision according to current style.

9 ✕ SECTION 14. 5.62 (4) (a) of the statutes is renumbered 5.62 (4) (ar). ✓

5.62(4)

NOTE: Renumbers provision to accommodate the renumbering of s. 5.60 (5) (intro.) by this bill.

10 → \*\*\* NOTE: See my change to NOTE. CJS  
✕ SECTION 15. 5.64 (intro.) of the statutes is amended to read: ✓

11 5.64 General election ballots. (intro.) At general elections all of the  
12 following ballots, when necessary, shall be provided for each ward: ✓

NOTE: Conforms introductory provision to current style.

(except 5.64 (1)  
(+title))

13 ✕ SECTION 16. 5.64 (1) (intro.) of the statutes is renumbered 5.64(1) (ag) and  
14 amended to read: ✓

15 5.64 (1) (ag) Except as authorized in s. 5.655, there shall be a separate ballot  
16 giving the names of all candidates for president and vice president and for statewide,  
17 congressional, legislative, and county offices in the same form as prescribed by the  
18 board under s. 7.08 (1) (a).

NOTE: Renumbers provision that is not an introductory provision according to current style.

1     X   **SECTION 17.** 5.64 (1) (a) of the statutes is renumbered 5.64 (1) (ar) 1. (intro.) and  
2     amended to read:

3             5.64 (1) (ar) 1. (intro.) The ballot shall permit an elector to vote do any of the  
4     following:

5             a. Vote a straight party ticket for president and vice president, whenever those  
6     offices are contested, and for all statewide, congressional, legislative, and county  
7     offices, to vote.

8             b. Vote for individual candidates for each office or to vote.

9             c. Vote for a person whose name does not appear on the ballot for any office.

10            2. When voting for governor and lieutenant governor, the ballot shall permit  
11     an elector to vote only for the candidates on one ticket jointly or write in the names  
12     of persons in both spaces.

Renumbers provision to accomodate renumbering of  
S. 5.64 (1) (intro.) and

NOTE: NOTE: Subdivides provision by placing list in tabular form.

→ \*\*\*\*NOTE: See my change to ~~PLAIN~~ NOTE: CJS

13     X   **SECTION 18.** 5.85 (2) of the statutes is renumbered 5.85 (2) (a) and amended to  
14     read:

15             5.85 (2) (a) The election officials shall examine the ballots or record of votes cast  
16     for write-in votes and shall count and tabulate the write-in votes. When an  
17     electronic voting system is used which that utilizes a ballot which that is distributed  
18     to electors, before separating the remaining ballots from their respective covering  
19     envelopes, the election officials shall examine the ballots for write-in votes. When  
20     an elector has cast a write-in vote, the election officials shall compare the write-in  
21     vote with the votes on the ballot to determine whether the write-in vote results in  
22     an overvote for any office. In case of an overvote for any office, the election officials  
23     shall make a true duplicate ballot of all votes on the ballot except for the office which  
24     that is overvoted, by using an official ballot of that kind used by the elector who voted

in

PLAIN

ballots are

strike

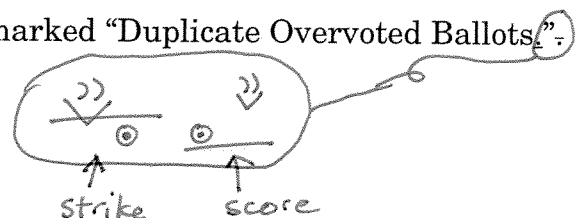
1 the original ballot, and one of the marking devices so as to transfer all votes of the  
2 elector except for the office overvoted, to an official ballot of that kind used in the  
3 ward at that election. Unless election officials are selected under s. 7.30 (4) (c)  
4 without regard to party affiliation, the election officials shall consist in each case of  
5 at least one election official of each of the 2 major political parties, whenever officials  
6 of both parties are present. <sup>See</sup>

→ ~~\*\*\*\*\*~~ NOTE: ~~Changes~~ <sup>by JTK.</sup>

7 (b) Write-in votes shall be counted as provided in s. 7.50 (2) (d). The original  
8 ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot" and  
9 the duplicate ballot so produced under par. (a) shall be clearly labeled "Duplicate  
10 Overvoted Ballot," and ~~The~~ <sup>strike quotation mark, comma, and space after comma</sup> each shall bear the same serial number, which shall be  
11 placed ~~thereon by the~~ <sup>on</sup> election officials, shall place the same serial number on each  
12 "Overvoted Ballot" and its corresponding "Duplicate Overvoted Ballot," commencing  
13 with number "1" and continuing consecutively for each of the ballots of that kind for  
14 which a "Duplicate Overvoted Ballot" is produced in that ward or election district.  
15 The election officials shall initial the "Duplicate Overvoted Ballot" ballots and shall  
16 place them in the container for return of the ballots. The "Overvoted Ballot" ballots  
17 and their envelopes shall be placed in the "Original Ballots" envelope.

→ ~~\*\*\*\*\*~~ NOTE. <sup>See my technical changes. CJS</sup>

18 (c) Ballots bearing write-in votes marked in the place designated therefor and  
19 for write-in votes, bearing the initials of an election official ~~and~~, not resulting in an  
20 overvote, and otherwise complying with the election laws as to marking shall be  
21 counted, tallied, and their votes recorded on a tally sheet provided by the municipal  
22 clerk. Ballots and ballot envelopes shall be separated and all ballots except any  
23 which that are defective or overvoted shall be placed separately in the container for  
24 return of the ballots, along with the ballots marked "Duplicate Overvoted Ballots."



NOTE: Divides long sentence, subdivides long provision, and inserts specific references. Commas are added and periods are moved outside of quotes in conformity with current style.

→ ★★★★★ NOTE: See my technical changes. CJS

X SECTION 19. 6.03 (1) (a) of the statutes is amended to read:

6.03 (1) (a) Any person who is incapable of understanding the objective of the elective process or who is under guardianship pursuant to the order of a court under ch. 880, except that when a person is under limited guardianship, the court may determine that the person is competent to exercise the right to vote;.

NOTE: Conforms punctuation to current style. Inserts "who is" for clarity.

X SECTION 20. 6.22 (1) (b) 1. of the statutes is amended to read:

6.22 (1) (b) 1. Members of a uniformed service;.

NOTE: Conforms punctuation to current style.

X SECTION 21. 6.875 (4) of the statutes is renumbered 6.875 (4) (a) and amended to read:

6.875 (4) (a) For the purpose of absentee voting in nursing homes and qualified retirement homes and qualified community-based residential facilities, the municipal clerk or board of election commissioners of each municipality in which one or more nursing homes or qualified retirement homes or qualified community-based residential facilities are located shall appoint at least 2 special voting deputies for the municipality. Upon application under s. 6.86 (1) or (2) by one or more qualified electors who are occupants of such a nursing home or qualified retirement home or qualified community-based residential facility, the municipal clerk or board of election commissioners shall dispatch 2 special voting deputies to visit the home or qualified community-based residential facility for the purpose of supervising absentee voting procedure by occupants of the home or qualified community-based residential facility. The 2 deputies designated to visit each nursing home or qualified retirement home and qualified community-based residential facility shall be

of the municipality in which  
the home or facility is  
located



JTK also notes  
that the word "such"  
which is struck at page 8, line 16,  
"refers to the language on lines 11-13".

1 affiliated with different political parties whenever deputies representing different  
2 parties are available.

→ \*\*\*\* NOTE: See change by JTK.

3 (b) Nominations for the special voting deputy positions described in par. (a)  
4 may be submitted by the 2 recognized political parties whose candidates for governor  
5 or president received the greatest numbers of votes in the municipality at the most  
6 recent general election. The deputies shall be specially appointed to carry out the  
7 duties under ~~this section~~ par. (a) for the period specified in s. 7.30 (6) (a). The clerk  
8 or board of election commissioners may revoke an appointment at any time. No  
9 individual who is employed or retained, or within the 2 years preceding appointment  
10 has been employed or retained, at a nursing home or qualified retirement home or  
11 qualified community-based residential facility in the municipality, or any member  
12 of the individual's immediate family of ~~such an individual~~, as defined in s. 19.42 (7),  
13 may be appointed to serve as a deputy.

NOTE: Subdivides long provision, inserts a specific reference, and replaces the  
passive voice with the active.

→ \*\*\*\* NOTE: See my change to NOTE. CJS

14 ✕ SECTION 22. 6.875 (6) of the statutes is renumbered 6.875 (6) (a) and amended  
15 to read:

16 6.875 (6) (a) Special voting deputies in each municipality shall, not later than  
17 5 p.m. on the Friday preceding an election, arrange one or more convenient times  
18 with the administrator of each nursing home, qualified retirement home, and  
19 qualified community-based residential facility in the municipality from which one  
20 or more occupants have filed an application under s. 6.86 to conduct absentee voting  
21 for the election. The time may be no earlier than the 4th Monday preceding the  
22 election and no later than 5 p.m. on the Monday preceding the election. Upon request  
23 of a relative of an occupant of a nursing home or qualified retirement home or

1 ~~qualified community-based residential facility, the administrator may notify the~~  
2 ~~relative of the time or times at which special voting deputies will conduct absentee~~  
3 ~~voting at the home or facility, and permit the relative to be present in the room where~~  
4 ~~the voting is conducted.~~ At the designated time, 2 deputies appointed under sub. (4)  
5 shall visit the home or facility.

6 (b) The municipal clerk or executive director of the board of election  
7 commissioners shall issue a supply of absentee ballots to the deputies sufficient to  
8 provide for the number of valid applications for an absentee ballot received by the  
9 clerk, and a reasonable additional number of ballots. The municipal clerk or  
10 executive director shall keep a careful record of all ballots issued to the deputies and  
11 shall require the deputies to return every ballot issued to them. The

12 (c) 1. Upon their visit to the home or facility under par. (a), the deputies shall  
13 personally offer each elector who has filed a proper application for an absentee ballot  
14 the opportunity to cast his or her absentee ballot. If an elector is present who has  
15 not filed a proper application for an absentee ballot, the 2 deputies may accept an  
16 application from the elector and shall issue a ballot to the elector if the elector is  
17 qualified and the application is proper. The deputies shall each witness the  
18 certification and may, upon request of the elector, assist the elector in marking the  
19 elector's ballot. All voting shall be conducted in the presence of the deputies. Upon  
20 request of the elector, a relative of the elector who is present in the room may assist  
21 the elector in marking the elector's ballot. ~~All voting shall be conducted in the~~  
22 ~~presence of the deputies.~~ No individual other than a deputy may witness the  
23 certification and no individual other than a deputy or relative of an elector may  
24 render voting assistance to the elector.

1       (d) Upon completion of the voting, the deputies shall promptly deliver, either  
2       personally or by 1st class mail, any absentee ballot applications and the sealed  
3       certificate envelope containing each ballot to the clerk or board of election  
4       commissioners of the municipality in which the elector casting the ballot resides,  
5       within such time as will permit delivery to the polling place serving the elector's  
6       residence on election day. Personal delivery may be made by the deputies no later  
7       than noon on election day.

8       (e) If a qualified elector is not able to cast his or her ballot on 2 separate visits  
9       by the deputies to the home or facility, ~~they~~ the deputies shall so inform the municipal  
10      clerk or executive director of the board of election commissioners, who may then send  
11      the ballot to the elector no later than 5 p.m. on the Friday preceding the election.

NOTE: Subdivides long provision, inserts specific references, and reorders text. See  
also the next section of this bill.

12      ✱ <sup>✓</sup> SECTION 23. 6.875 (6) (c) 2. of the statutes is created to read:

13           6.875 (6) (c) 2. Upon the request of a relative of an occupant of a nursing home  
14      or qualified retirement home or qualified community-based residential facility, the  
15      administrator of the home or facility may notify the relative of the time or times at  
16      which special voting deputies will conduct absentee voting at the home or facility,  
17      and permit the relative to be present in the room where the voting is conducted.

NOTE: Moves text within s. 6.875 (6) for more logical placement. See also the  
previous section of this bill.

18      ✓ SECTION 24. 7.25 (6) (c) of the statutes is amended to read:

19           7.25 (6) (c) After the inspection under par. (b), on the ~~blanks~~ forms furnished,  
20      ~~they~~ the election officials for each ward shall certify the condition of each voting  
21      machine and its counters. Each form shall be signed by each election official. After

1 the election, one copy of each machine's certification shall be delivered with each copy  
2 of the election returns. *change by JTK. JTK explains, "I know it's in par. (a), but  
→ \*\*\*\* NOTE: See it's not in par. (b). I would rather not repeat it because  
sometimes the officials serve more than one ward."*  
NOTE: Replaces disfavored term and inserts specific reference.

3 ✓ **SECTION 25.** 7.30 (4) (b) (intro.) of the statutes is amended to read:

4 7.30 (4) (b) (intro.) The 2 dominant parties, under sub. (2), are each responsible  
5 for submitting a list of names from which the appointees shall be chosen: as follows:

NOTE: Conforms structure of introductory paragraph with current style.

6 ✗ **SECTION 26.** 7.30 (4) (b) 2. of the statutes is renumbered 7.30 (4) (b) 2. a. and  
7 amended to read:

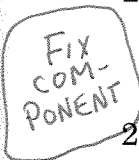


8 7.30 (4) (b) 2. a. In municipalities other than cities and villages located in  
9 counties having a population of more than 500,000, the committees organized under  
10 s. 8.17 from each of the 2 dominant parties under sub. (2) shall submit a list  
11 containing at least as many names as there are needed appointees from that party.  
12 The list shall be submitted by the chairperson of each of the 2 committees to the  
13 mayor, president, or chairperson of the municipality. If committees are organized in  
14 subdivisions of a city, the list shall be submitted through the chairperson of the city  
15 committee. If there is no municipal committee, the list shall be submitted by the  
16 chairperson of the county or legislative district committee. Except as provided in par.  
17 (c), only those persons submitted by the chairperson of each committee under s. 8.17  
18 may act as election officials. The chairperson may designate any individual whose  
19 name is submitted as a first choice nominee. The list shall contain the signature of  
20 the chairperson and secretary of the submitting committee.


21 b. In cities or villages located in counties having a population of more than  
22 500,000, other than cities where there is a board of election commissioners, the  
23 aldermanic district or village committeeman or committeewoman for the ward or

wards where each polling place is located, if there is one, shall submit a list containing at least as many names as there are needed appointees for inspector positions from the party represented by the committeeman or committeewoman. For appointments of inspectors in cities and villages where there is no aldermanic district or village committeeman or committeewoman, nominations shall proceed in the same manner as in municipalities located in counties having a population of 500,000 or less. The list shall be submitted to the mayor or president. Except as provided in par. (c), only those persons whose names are submitted as provided in this paragraph may act as election officials. The committeeman or committeewoman may designate any individual whose name is submitted as a first choice nominee. The list shall contain the signature of the aldermanic district or village committeeman or committeewoman or the chairperson of the appropriate committee.

c. Upon submission of each nominee's name, the governing body shall appoint each first choice nominee for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other nominees in its discretion. If any nominee is not appointed, the mayor, president, or chairperson of the municipality shall immediately nominate another person from the appropriate lists submitted and continue until the necessary number of election officials from each party is achieved at that meeting.

NOTE: Subdivides long provision.

   **SECTION 27.** 8.05 (1) (j) of the statutes is renumbered 8.05 (1) (j) 1. and amended to read:

 8.05 (1) (j) 1. The municipal clerk shall notify in writing each candidate whose name is certified as a nominee under par. (h) of his or her nomination. If a municipal

1 judge is elected under s. 755.01 (4), the county clerk of the county having the largest  
2 portion of the population in the jurisdiction served by the judge shall make the  
3 notification.

→ ~~\*\*\*\*~~ NOTE: See my technical changes. CJS

4 2. Upon receipt of the notice, each candidate shall file a declaration of  
5 candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the  
6 notification no later than 5 p.m. on the 5th day after the notification is mailed or  
7 personally delivered to the candidate by the municipal clerk, except as authorized  
8 in this paragraph. If an incumbent whose name is certified as a nominee fails to file  
9 a declaration of candidacy within the time prescribed by this paragraph, each  
10 certified candidate for the office held by the incumbent, other than the incumbent,  
11 may file a declaration of candidacy no later than 72 hours after the latest time  
12 prescribed in this paragraph. If the candidate has not filed a registration statement  
13 under s. 11.05 at the time of the notification, the candidate shall file the statement  
14 with the declaration.

15 3. A candidate for municipal judge shall also, in addition to making the filings  
16 required under subd. 2., file a statement of economic interests with the ethics board  
17 under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after notification of  
18 nomination is mailed or personally delivered to the candidate, or no later than  
19 4:30 p.m. on the next business day after the last day for filing a declaration of  
20 candidacy whenever that candidate is granted an extension of time for filing a  
21 declaration of candidacy under this paragraph subd. 2.

22 4. Upon receipt of the declaration of candidacy and registration statement of  
23 each qualified candidate, and upon filing of a statement of economic interests by each  
24 candidate for municipal judge, the municipal clerk, or the county clerk if the judge  
25 is elected under s. 755.01 (4), shall place the name of the candidate on the ballot. No

1 later than the end of the 3rd day following qualification by all candidates, the  
2 municipal clerk, or the county clerk if the judge is elected under s. 755.01 (4), shall  
3 draw lots to determine the arrangement of candidates' names on the spring election  
4 ballot.

NOTE: Subdivides long provision and adds specific reference.

5 X SECTION 28. 8.21 of the statutes is renumbered 8.21 (1) and amended to read:

6 8.21 **Declaration of candidacy.** (1) Each candidate, except a candidate for  
7 presidential elector under s. 8.20 (2) (d), shall file a declaration of candidacy, no later  
8 than the latest time provided for filing nomination papers under s. 8.10 (2) (a), 8.15  
9 (1), 8.20 (8) (a) or 8.50 (3) (a), or the time provided under s. 8.16 (2) or 8.35 (2) (c).

10 A candidate shall file the declaration with the officer or agency with which  
11 nomination papers are filed for the office ~~which~~ that the candidate seeks, or if  
12 nomination papers are not required, with the clerk or board of election  
13 commissioners of the jurisdiction in which the candidate seeks office.

14 (B) → ~~\*\*\*~~ NOTE: See my technical change. CJS  
15 (2) The declaration under sub. (1) shall be sworn to before any officer  
16 of candidacy.

17 authorized to administer oaths. The declaration shall contain the name of the  
18 candidate in the form specified under s. 8.10 (2) (b) for candidates for nonpartisan  
19 office or s. 8.15 (5) (a) or 8.20 (2) (a) for candidates for partisan office, and shall state

18 that all of the following: *change by JTK. Also, several other instances of "declaration" in this section should be*

19 ~~\*\*\*~~ NOTE: See *"declaration" in this section should be similarly adjusted, (i.e., the instances that appear in proposed subs. (3) (intro.) and (4) (intro.) and (5) (intro.) CJS*  
(a) That the signer is a candidate for a named office, ~~that he or she,~~

20 (b) That the signer meets, or will at the time he or she assumes office meet,

21 applicable age, citizenship, residency, or voting qualification requirements, if any,

22 prescribed by the constitutions and laws of the United States and of this state, and

23 that he or she.

*In the same way as the instance in this subsection is adjusted*

1 (c) That the signer will otherwise qualify for office if nominated and elected.

2 The declaration shall include the candidate's name in the form in which it will appear  
3 on the ballot.

4 (3) Each candidate for state and local office shall include in the declaration a  
5 all of the following:

6 (a) A statement that ~~he or she~~ the candidate has not been convicted of any  
7 misdemeanor designated under state or federal law as a violation of the public trust  
8 or any felony for which ~~he or she~~ the candidate has not been pardoned. ~~In addition,~~  
9 ~~each candidate for state or local office shall include in the declaration a~~

10 (b) A statement that discloses ~~his or her~~ the candidate's municipality of  
11 residence for voting purposes, and the street and number, if any, on which the  
12 candidate resides.

13 (4) The declaration is valid with or without the seal of the officer who  
14 administers the oath.

15 (5) A candidate for state or local office shall file an amended declaration under  
16 oath with the same officer or agency if any information contained in the declaration  
17 changes at any time after the original declaration is filed and before the candidate  
18 assumes office or is defeated for election or nomination.

NOTE: Subdivides long provision and adds specific reference.

19 ✓ SECTION 29. 8.30 (1) (b) of the statutes is amended to read:

20 8.30 (1) (b) If it conclusively appears, either on the face of the nomination  
21 papers offered for filing, or by admission of the candidate or otherwise, that the  
22 candidate is ineligible to be nominated or elected; or

NOTE: Inserts missing word.

\*\*\*\*\* NOTE: Why not adjust the intro. instead and  
get rid of the archaic semi-colons in the  
tabulated list?

this  
section  
has  
been  
organized.  
CJS



✓/ SECTION 30. 9.01 (1) (a) of the statutes is renumbered 9.01 (1) (a) 1. and amended to read:

9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted upon any referendum question at any election may request petition for a recount. The petitioner shall file a verified petition or petitions with the proper clerk or body under par. (ar) not earlier than the time of completion of the canvass and not later than 5 p.m. on the 3rd business day following the last meeting day of the municipal or county board of canvassers determining the election for that office or on that referendum question or, if more than one board of canvassers makes the determination, not later than 5 p.m. on the 3rd business day following the last meeting day of the last board of canvassers which makes a determination. If the chairperson of the board or chairperson's designee makes the determination for the office or the referendum question, the petitioner shall file the petition not earlier than the last meeting day of the last county board of canvassers to make a statement in the election or referendum and not later than 5 p.m. on the 3rd business day following the day on which the elections board receives the last statement from a county board of canvassers for the election or referendum.

2. Each verified petition under subd. 1. shall state ~~that~~ all of the following:

a. That at the election the petitioner was a candidate for the office in question or that ~~he or she~~ the petitioner voted on the referendum question in issue; ~~that~~.

b. That the petitioner is informed and believes that a mistake or fraud has been committed in a specified ward or municipality in the counting and return of the votes cast for the office or upon the question; or ~~shall specify any other~~ or that another defect, irregularity, or illegality occurred in the conduct of the election, specifying the defect, irregularity, or illegality.

→ \*\*\* NOTE: The phrase "specifying the defect, irregularity, or illegality" is awkward because the word that it modifies — "petition", at line 18 — is so far away. Why not say "or that another specified defect, etc., occurred..."? That would ~~be~~ also be parallel to the usage in the first part of the sentence — "committed in a specified ward". CJS

in the rough draft

1           3. The petition under subd. 1. shall specify each ward, or each municipality  
2 where no wards exist, in which a recount is desired. If a recount is requested for all  
3 wards within a jurisdiction, each ward need not be specified.

4           4. The petition under subd. 1. may be amended to include information  
5 discovered as a result of the investigation of the board of canvassers or the  
6 chairperson of the board, or chairperson's designee, after the filing of the petition; if  
7 the petitioner moves to amend the petition as soon as possible after the petitioner  
8 ~~discovered~~ discovers, or reasonably should have discovered, the information ~~which~~  
9 that is the subject of the amendment and if the petitioner was unable to include the  
10 information in the original petition.

NOTE: Subdivides long provision and adds specific references for improved readability. Corrects punctuation. Replaces "request" with "petition for" for internal consistency. Replaces "discovered" with "discovers" and "which" with "that" to correct grammar. Reorders text in subd. 2. b. to correct sentence agreement.

11       ✓ **SECTION 31.** 9.01 (1) (b) 3. of the statutes is amended to read:

12           9.01 (1) (b) 3. ~~They~~ The board of canvassers shall then examine the container  
13 or bag containing the ballots to be certain it has not been tampered with, opened, or  
14 opened and resealed. Any irregularities or possible tampering with the container or  
15 bag shall be noted.

NOTE: Inserts specific reference.

16       ✓ **SECTION 32.** 9.01 (1) (b) 4. of the statutes is renumbered 9.01 (1) (b) 4. a. and  
17 amended to read:

18           9.01 (1) (b) 4. a. When the container or bag has been checked, it shall be opened  
19 and the contents removed. The board of canvassers shall, without examination other  
20 than what is necessary to determine that each is a single ballot, count the number  
21 of ballots ~~therein in the container or bag~~, excluding ballots removed under s. 7.51 (2)  
22 (e). ~~Then~~

1        b. The board of canvassers shall then, for each opened absentee ballot envelope  
2 that was laid aside as defective under subd. 2., ~~the board of canvassers shall~~, without  
3 inspection, randomly draw one absentee ballot from the container or bag. In  
4 differentiating absentee ballots from other ballots, the board of canvassers shall  
5 presume that a ballot initialed only by the municipal clerk, the executive director of  
6 the board of election commissioners, or a deputy clerk or secretary is an absentee  
7 ballot. If there are more defective absentee ballot envelopes than there are probable  
8 absentee ballots, all of the probable absentee ballots shall be removed from the  
9 container or bag. Additional ballots shall be removed only if the number of remaining  
10 ballots still exceeds the number of voting electors recorded under subd. 1., reduced  
11 by the number of defective envelopes set aside under subd. 2. All ballots removed  
12 shall not be counted, but shall be marked as to the reason for their removal, set aside  
13 and carefully preserved.

14        c. If after completing the steps set forth in subd. 1. b., the number of ballots still  
15 exceeds the number of voters, the board of canvassers shall place all ballots face up  
16 to check for blank ballots. Any blank ballots shall be so marked, set aside and  
17 carefully preserved.

18        d. If after completing the steps set forth in subd. 1. c., the number of ballots still  
19 exceeds the number of voters reduced by the number of defective envelopes set aside  
20 under subd. 2., the board of canvassers shall place all ballots face down to check the  
21 initials. Any ballot not properly initialed by 2 inspectors or any absentee ballot not  
22 properly initialed by the municipal clerk, the executive director of the board of  
23 election commissioners, or a deputy clerk or secretary shall be temporarily set aside  
24 and the board of canvassers shall, without inspection, randomly draw from these  
25 ballots as many as are necessary to reduce the number of ballots to equal the number

1 of voters. Any ballots removed for lack of initials shall not be counted but shall be  
2 marked, set aside and carefully preserved.

3 e. If after completing the steps set forth in subd. 1, d., the number of ballots still  
4 exceeds the number of voters reduced by the number of defective envelopes set aside  
5 under subd. 2., the remaining ballots shall be returned to the container or bag and  
6 the board of canvassers shall draw a number of ballots equal to the excess number  
7 of ballots by chance and without inspection from the container or bag. These ballots  
8 shall not be counted but shall be marked as having been removed by the canvassers  
9 on recount due to an excess number of ballots, set aside and carefully preserved.

→ \*\*\*\* NOTE: I changed the x-ref in subdivision paragraphs c., d., and e. CJS

NOTE: Subdivides long provision, reorganizes text, and inserts "then" for improved  
readability and internal consistency within s. 9.01 (1) (b).

→ \*\*\*\* NOTE: The bill does not "insert" the word "then". It moves it. CJS

10 x → SECTION 33. 9.01 (8) of the statutes is renumbered 9.01 (8) (a) and amended to  
11 read:

12 9.01 (8) (a) Unless the court finds a ground for setting aside or modifying the  
13 determination of the board of canvassers or the chairperson of the board or  
14 chairperson's designee, it shall affirm the determination.

15 (b) The court shall separately treat disputed issues of procedure,  
16 interpretations of law, and findings of fact.

17 (c) The court may not receive evidence not offered to the board of canvassers  
18 or the chairperson or chairperson's designee except for evidence that was  
19 unavailable to a party exercising due diligence at the time of the recount or newly  
20 discovered evidence that could not with due diligence have been obtained during the  
21 recount, and except that the court may receive evidence not offered at an earlier time  
22 because a party was not represented by counsel in all or part of a recount proceeding.  
23 A party who fails to object or fails to offer evidence of a defect or irregularity during

1 the recount waives the right to object or offer evidence before the court except in the  
2 case of evidence that was unavailable to a party exercising due diligence at the time  
3 of the recount or newly discovered evidence that could not with due diligence have  
4 been obtained during the recount or evidence received by the court due to  
5 unavailability of counsel during the recount.

6 (d) The court shall set aside or modify the determination of the board of  
7 canvassers or the chairperson of the board or chairperson's designee if it finds that  
8 the board of canvassers or the chairperson or chairperson's designee has erroneously  
9 interpreted a provision of law and a correct interpretation compels a particular  
10 action. If the determination depends on any fact found by the board of canvassers  
11 or the chairperson or chairperson's designee, the court may not substitute its  
12 judgment for that of the board of canvassers or the chairperson or designee as to the  
13 weight of the evidence on any disputed finding of fact. The court shall set aside the  
14 determination if it finds that the determination depends on any finding of fact that  
15 is not supported by substantial evidence.

→ ★★★★★ NOTE: See my technical changes (action phrase and first line  
NOTE: Subdivides long provision and inserts specific reference. of text). CJS

16 ✕ SECTION 34. 10.51 (intro.) of the statutes is renumbered 10.51 (1g).  
(except 10.51 (title))

NOTE: Section 10.51 (intro.) is not introductory to the subsections in s. 10.51, but contains discrete and separate subject matter, and is renumbered accordingly. See also the next section of this bill.

→ ★★★★★ NOTE: See my technical change. CJS

17 ✕ SECTION 35. 10.51 (1) of the statutes is renumbered 10.51 (1r) and amended to  
18 read:

19 10.51 (1r) All the listings contained in this subchapter relate to other  
20 provisions of the statutes which that are referred to in each paragraph of these  
21 listings.

NOTE: Accommodates the renumbering of s. 10.51 (intro.) by the previous section of this bill.

(except 10.53 (title))

1 ✓ **SECTION 36.** 10.53 (intro.) of the statutes is renumbered 10.53 (1g) and  
2 amended to read:

3 10.53 (1g) In preparing each edition of the statutes for publication the revisor  
4 shall, if the revisor finds that a conflict exists between the listings in ss. 10.62 to 10.82  
5 and the substantive statutes to which ~~such~~ those sections refer, correct the listing in  
6 this subchapter to properly reflect the intent of ~~said~~ the substantive statute or of the  
7 act of the legislature on which the substantive statute is based.

→ \*\*\* NOTE: See my technical change (action phrase). CJS

NOTE: Section 10.53 (intro.) is not introductory to the subsections in s. 10.53, but contains discrete and separate subject matter, and is renumbered accordingly. See also the next section of this bill. Replaces disfavored terms.

8 ✕ **SECTION 37.** 10.53 (1) of the statutes is renumbered 10.53 (1r) and amended to  
9 read:

10 10.53 (1r) For any correction made by the revisor under the authority of this  
11 section, the revisor shall prepare a note explaining the correction and ~~such note~~ that  
12 shall be printed with the affected listing in this subchapter.

NOTE: Accommodates the renumbering of s. 10.51 (intro.) by the previous section of this bill. Replaces disfavored term.

→ \*\*\* NOTE: I fixed the x-ref in the NOTE. CJS

13 ✕ **SECTION 38.** 10.62 (intro.) of the statutes is amended to read:

14 **10.62 Elections board; spring primary and election.** (intro.) The  
15 following subsections set forth, in chronological order, dates relating to the spring  
16 primary and election or occurrences during the spring period ~~which~~ that affect the  
17 elections board: ← fix font and formatting; keep striking and  
scoring as typed.

NOTE: Corrects punctuation.

18 ✕ **SECTION 39.** 10.64 (intro.) of the statutes is amended to read:

19 **10.64 County clerk; spring primary and election.** (intro.) The following  
20 subsections set forth, in chronological order, dates relating to the spring primary and  
21 election or occurrences during the spring period ~~which~~ that affect the county clerk: ←

NOTE: Corrects punctuation.

1 ✓ **SECTION 40.** 10.66 (intro.) of the statutes is amended to read:

2 **10.66 Municipal clerk and governing body; spring primary and**  
3 **election.** (intro.) The following subsections set forth, in chronological order, dates  
4 relating to the spring primary and election occurrences during the spring primary  
5 ~~which~~ that affect the municipal clerk and governing body:

NOTE: Corrects punctuation.

Do NOT SCORE  
PERIOD - STRIKE  
INSTEAD

6 ✓ **SECTION 41.** 10.68 (intro.) of the statutes is amended to read:

7 **10.68 Candidates; spring primary and election.** (intro.) The following  
8 subsections set forth, in chronological order, dates relating to the spring primary and  
9 election or occurrences during the spring period ~~which~~ that affect the candidates:

NOTE: Corrects punctuation.

10 ✓ **SECTION 42.** 10.70 (intro.) of the statutes is amended to read:

11 **10.70 Public and general provisions; spring primary and election.**  
12 (intro.) The following subsections set forth, in chronological order, dates relating to  
13 the spring primary and election or occurrences during the spring period ~~which~~ that  
14 affect the public:

NOTE: Corrects punctuation.

fix font and  
formatting  
keep scoring  
as typed

15 ✓ **SECTION 43.** 10.72 (intro.) of the statutes is amended to read:

16 **10.72 Elections board; September primary and general election.**  
17 (intro.) The following subsections set forth, in chronological order, dates relating to  
18 the September primary and general election or occurrences during the fall period  
19 ~~which~~ that affect the elections board:

NOTE: Corrects punctuation.

20 ✓ **SECTION 44.** 10.74 (intro.) of the statutes is amended to read:

1           **10.74 County clerk; September primary and general election.** (intro.)

2       The following subsections set forth, in chronological order, dates relating to the  
3       September primary and general election or occurrences during the fall period which  
4       that affect the county clerk.✕

NOTE: Corrects punctuation.

5       ✕ **SECTION 45.** 10.76 (intro.) of the statutes is amended to read:

6           **10.76 Municipal clerk and governing body; September primary and**  
7       **general election.** (intro.) The following subsections set forth, in chronological  
8       order, dates relating to the September primary and general election or occurrences  
9       during the fall period which that affect the municipal clerk and governing body.✕

NOTE: Corrects punctuation.

10       ✕ **SECTION 46.** 10.78 (intro.) of the statutes is amended to read:

11           **10.78 Candidates; September primary and general election.** (intro.)  
12       The following subsections set forth, in chronological order, dates relating to the  
13       September primary and general election or occurrences during the fall period which  
14       that affect the candidates.✕

NOTE: Corrects punctuation.

15       ✕ **SECTION 47.** 10.80 (intro.) of the statutes is amended to read:

16           **10.80 Public and general provisions; September primary and general**  
17       **election.** (intro.) The following subsections set forth, in chronological order, dates  
18       relating to the September primary and general election or occurrences during the fall  
19       period which that affect the public.✕

NOTE: Corrects punctuation.

20       ✕ **SECTION 48.** 13.55 (1) (a) of the statutes, as affected by 2003 Wisconsin Act 2,

21       section 1, is renumbered 13.55 (1) (a) 1. (intro.) and amended to read:

Fix font and  
formatting –  
keep scoring  
as typed



1           13.55 (1) (a) 1. (intro.) There is created a 9-member commission on uniform  
2 state laws to advise the legislature with regard to uniform laws and model laws.

3           Except as provided under par. (b), the commission shall consist of ~~the~~ all of the  
4 following: ↑

5           a. The director of the legislative council staff or a professional employee of the  
6 legislative council staff designated by the director, ~~the~~.

7           b. The chief of the legislative reference bureau or a professional employee under  
8 s. 13.92 (1) (b) designated by the chief, ~~the~~.

9           c. The revisor of statutes, ~~2~~.

10          d. Two senators and 2 representatives to the assembly from the 2 major political  
11 parties appointed as are members of standing committees for 2-year terms, ~~and 2~~.

12          e. Two public members appointed by the governor for 4-year terms.

13          2. The terms of members appointed by the governor or by the legislature shall  
14 expire on May 1 of an odd-numbered year. The members, other than the appointees  
15 of the governor or of the legislature, may each designate an employee to represent  
16 them at any meeting of the conference under sub. (3).

NOTE: Subdivides provision by placing list in tabular form.

17       ✓/ **SECTION 49.** 13.93 (2) (j) of the statutes is amended to read:

18           13.93 (2) (j) In cooperation with the law revision committee, systematically  
19 examine and identify for revision by the legislature the statutes and session laws to  
20 eliminate defects, anachronisms, conflicts, ambiguities, and unconstitutional or  
21 obsolete provisions. ~~The revisor shall complete the initial examination of the~~  
22 ~~statutes within 10 years after July 1, 1980.~~ The revisor shall prepare and, at each  
23 session of the legislature, present to the law revision committee bills that eliminate  
24 such identified defects, anachronisms, conflicts, ambiguities, and unconstitutional

1 or obsolete provisions. These bills may include minor substantive changes in the  
2 statutes and session laws necessary to accomplish such the purposes of this  
3 paragraph. The revisor may resubmit to the law revision committee in subsequent  
4 sessions of the legislature any bill prepared under this paragraph ~~which~~ that was not  
5 enacted.

NOTE: Deletes obsolete direction. Inserts specific references. Corrects punctuation.

6 ✓ **SECTION 50.** 15.06 (2) (intro.) and (a) of the statutes are consolidated,  
7 renumbered 15.06 (2) and amended to read:

8 15.06 (2) SELECTION OF OFFICERS. Each commission may annually elect officers  
9 other than a chairperson from among its members as its work requires. Any officer  
10 may be reappointed or reelected. At the time of making new nominations to  
11 commissions, the governor shall designate a member or nominee of each commission  
12 to serve as the commission's chairperson for a 2-year term expiring on March 1 of  
13 the odd-numbered year except that: ~~(a) Commencing March 1, 1979, and thereafter,~~  
14 the labor and industry review commission shall elect one of its members to serve as  
15 the commission's chairperson for a 2-year term expiring on March 1 of the  
16 odd-numbered year.

NOTE: There are no other paragraphs in s. 15.06. Eliminates an obsolete transition provision.

→ ★★★★★ NOTE: See my change to note. CJS

17 ✓ **SECTION 51.** 15.135 (4) (b) (intro.) of the statutes is amended to read:

18 15.135 (4) (b) *Members.* (intro.) The board consists of all of the following  
19 members:

NOTE: Conforms form of introductory provision to current style.

20 ✓ **SECTION 52.** 15.135 (4) (b) 1. of the statutes is amended to read:

1           15.135 (4) (b) 1. The secretaries of administration, of natural resources, and of  
2           agriculture, trade and consumer protection or their designees;

NOTE: Corrects punctuation.

3           ✓ **SECTION 53.** 15.135 (4) (b) 2. of the statutes is amended to read:

4           15.135 (4) (b) 2. Three members of county land conservation committees  
5           designated biennially by the county land conservation committees at their annual  
6           meeting in even-numbered years, appointed for 2-year terms; and.

NOTE: Corrects punctuation.

7           ✓ **SECTION 54.** 15.435 (1) (a) 3. of the statutes is amended to read:

8           15.435 (1) (a) 3. Five local officials consisting of 2 municipal officials, 2 county  
9           officials, and one school board member; and.

NOTE: Corrects punctuation.

10          → ~~★★★★~~ **SECTION 55.** 16.42 (1) (a) of the statutes is amended to read:

11           16.42 (1) (a) A clear statement of the purpose or goal for each program or  
12           subprogram;

NOTE: Corrects punctuation.

13          ✓ **SECTION 56.** 16.42 (1) (b) of the statutes is amended to read:

14           16.42 (1) (b) Clear statements of specific objectives to be accomplished and, as  
15           appropriate, the performance measures used by the agency to assess progress  
16           toward achievement of these objectives;

NOTE: Corrects punctuation.

17          ✓ **SECTION 57.** 16.42 (1) (c) of the statutes is amended to read:

18           16.42 (1) (c) Proposed plans to implement the objectives and the estimated  
19           resources needed to carry out the proposed plans;

NOTE: Corrects punctuation.

20          ✓ **SECTION 58.** 16.42 (1) (d) of the statutes is amended to read:

1           16.42 (1) (d) A statement of legislation required to implement proposed  
2           programmatic and financial plans; and.

NOTE: Corrects punctuation.

3           × **SECTION 59.** 16.50 (3) of the statutes, ~~as affected by 2003 Wisconsin Act 33,~~  
4           ~~sections 174 and 9160,~~ is renumbered 16.50 (3) (a) and amended to read:

5           16.50 (3) (a) No department, except the legislature or the courts, may increase  
6           the pay of any employee, expend money, or incur any obligation except in accordance  
7           with the estimate that is submitted to the secretary as provided in sub. (1) and  
8           approved by the secretary or the governor.

9           (b) No change in the number of full-time equivalent positions authorized  
10          through the biennial budget process or other legislative act may be made without the  
11          approval of the joint committee on finance, except for position changes made by the  
12          governor under s. 16.505 (1) (c) or (2), by the University of Wisconsin Hospitals and  
13          Clinics Board under s. 16.505 (2n), or by the board of regents of the University of  
14          Wisconsin System under s. 16.505 (2m) or (2p).

15          (c) The secretary may withhold, in total or in part, the funding for any position,  
16          as defined in s. 230.03 (11), as well as the funding for part-time or limited term  
17          employees until such time as the secretary determines that the filling of the position  
18          or the expending of funds is consistent with s. 16.505 and with the intent of the  
19          legislature as established by law or in budget determinations, or the intent of the  
20          joint committee on finance in creating or abolishing positions under s. 13.10, the  
21          intent of the governor in creating or abolishing positions under s. 16.505 (1) (c) or (2),  
22          or the intent of the board of regents of the University of Wisconsin System in creating  
23          or abolishing positions under s. 16.505 (2m) or (2p). Until the release of funding  
24          occurs, recruitment or certification for the position may not be undertaken.

1       (d) The secretary shall submit a quarterly report to the joint committee on  
2 finance of any position changes made by the governor under s. 16.505 (1) (c).

3       (e) No pay increase may be approved unless it is at the rate or within the pay  
4 ranges prescribed in the compensation plan or as provided in a collective bargaining  
5 agreement under subch. V of ch. 111.

6       (f) At the request of the director of the office of state employment relations, the  
7 secretary of administration may authorize the temporary creation of pool or surplus  
8 positions under any source of funds if the director of the office of state employment  
9 relations determines that temporary positions are necessary to maintain adequate  
10 staffing levels for high turnover classifications, in anticipation of attrition, to fill  
11 positions for which recruitment is difficult. Surplus or pool positions authorized by  
12 the secretary shall be reported quarterly to the joint committee on finance in  
13 conjunction with the report required under s. 16.54 (8).

NOTE: Subdivides long provision to improve readability

14       × SECTION 60. 16.513 (3) of the statutes is renumbered 16.513 (3) (a) and amended to read:  
15

16       16.513 (3) (a) If there are insufficient moneys, assets, or accounts receivable,  
17 as determined under s. 20.903 (2), that are projected by an agency or projected by the  
18 department under s. 16.40 (7) to cover anticipated expenditures under a program  
19 revenue appropriation or appropriation of segregated revenues from program  
20 receipts, the agency shall propose and submit to the department a plan to assure that  
21 there are sufficient moneys, assets, or accounts receivable to meet projected  
22 expenditures under the appropriation.

23       (b) The department may approve, disapprove, or approve with modifications  
24 each plan submitted by an agency under par. (a). If the department approves a plan,

to reflect  
the  
text of  
current  
law. CJS

1 or approves a plan with modifications, the department shall forward the plan to the  
2 joint committee on finance. If the cochairpersons of the joint committee on finance  
3 do not notify the secretary that the committee has scheduled a meeting for the  
4 purpose of reviewing the proposed plan within 14 working days after the date of the  
5 secretary's submittal, any portion of the plan ~~which~~ that does not require the action  
6 of the legislature or the action of the committee under another law may be  
7 implemented. If, within 14 working days after the date of the secretary's submittal,  
8 the cochairpersons of the joint committee on finance notify the secretary that the  
9 committee has scheduled a meeting for the purpose of reviewing the proposed plan,  
10 no part of the plan may be implemented without the approval of the committee in  
11 accordance with applicable law, or without the approval of the legislature if  
12 legislative approval is required.

NOTE: Subdivides long provision to improve readability. Inserts specific references.

13 ✓ **SECTION 61.** 16.517 of the statutes is renumbered 16.517 (1) and amended to  
14 read:

15 16.517 (1) No later than 30 days after the effective date of each biennial budget  
16 act, the department shall provide to the joint committee on finance a report  
17 indicating any initial modifications that are necessary to the appropriation levels  
18 established under that act for program revenue and program revenue-service  
19 appropriations as defined in s. 20.001 (2) (b) and (c) or to the number of full-time  
20 equivalent positions funded from program revenue and program revenue-service  
21 appropriations authorized by that act to account for any additional funding or  
22 positions authorized under s. 16.505 (2) or (2m) or 16.515 in the fiscal year  
23 immediately preceding the fiscal biennium of the budget that have not been included  
24 in authorizations under the biennial budget act but ~~which~~ that should be included

1 as continued budget authorizations in the fiscal biennium of the budget. Such  
2 modifications

3 <sup>(B)</sup> (2) Modifications under sub. (1) shall be limited to adjustment of the  
4 appropriation or position levels to the extent required to account for higher base  
5 levels for the fiscal year immediately preceding the fiscal biennium of the budget due  
6 to appropriation or position increases authorized under s. 16.505 (2) or (2m) or 16.515  
7 during the fiscal year immediately preceding the fiscal biennium of the budget.

8 <sup>(B)</sup> (3) If the cochairpersons of the joint committee on finance do not notify the  
9 secretary that the committee has scheduled a meeting for the purpose of reviewing  
10 the proposed modifications under sub. (1) within 14 working days after the date of  
11 receipt of the department's report, the department may make the modifications  
12 specified in the report. If, within 14 working days after the date of the department's  
13 report, the cochairpersons of the committee notify the secretary that the committee  
14 has scheduled a meeting for the purpose of reviewing the proposed modifications, the  
15 department may not make the modifications specified in the report until the  
16 committee approves the report.

NOTE: Subdivides long provision and inserts cross-references for improved readability.

17 ✓ SECTION 62. 16.85 (intro.) of the statutes is renumbered 16.85 (1g) (intro.) and  
18 amended to read:

19 16.85 **Department of administration; powers, duties. (1g)** (intro.) The  
20 department of administration shall exercise the powers and duties prescribed by ss.  
21 16.85 to 16.91 as follows:

NOTE: Section 16.85 (8) and (11) are stylistically different from the other subsections in s. 16.85 and cannot be amended to grammatically fit within the structure of 16.85 (intro.) and the remaining subsections. Renumbering 16.85 (intro.) and the remainder of the subsections eliminates the grammatical and stylistic conflicts between

INSERT  
QQQ

subs. (8) and (11) and the remainder of the section. See also the next 4 sections of this bill.

✓ **SECTION 63.** 16.85 (1) of the statutes is renumbered 16.85 (1g) (a) and amended to read:

16.85 (1g) (a) To take charge of and supervise all engineering or architectural services or construction work as defined in s. 16.87 performed by, or for, the state, or any department, board, institution, commission, or officer thereof of the state, including nonprofit-sharing corporations organized for the purpose of assisting the state in the construction and acquisition of new buildings or improvements and additions to existing buildings as contemplated under ss. 13.488, 36.09 and 36.11, except as provided in sub. (1m) and except that the department shall not take charge of and supervise any of the following:

1. The engineering, architectural, and construction work of the department of transportation, ~~the~~

2. The engineering service performed by the department of commerce, department of revenue, public service commission, department of health and family services, and other departments, boards, and commissions when the service is not related to the maintenance, and construction and planning of the physical properties of the state.

(1r) The department shall not authorize construction work for any state office facility in the city of Madison after May 11, 1990, unless the department first provides suitable space for a day care center primarily for use by children of state employees.

NOTE: Subdivides a long sentence and moves a related but separate subject to a separate subsection.



1     ✓ **SECTION 64.** 16.85 (2), (5) to (7), (10), (12) to (14), and (16) of the statutes are  
2     renumbered 16.85 (1g) (b), (e) to (g), (h), (i) to (k), and (m).

NOTE: Subsections in s. 16.85 are renumbered as paragraphs in accordance with  
the renumbering of s. 16.85 (intro.) by this bill.

3     ✓ **SECTION 65.** 16.85 (3) of the statutes is renumbered 16.85 (1g) (c) and amended  
4     to read:

5           16.85 (1) (c) To act and assist any department, board, commission, or officer  
6     requesting ~~such~~ cooperation and assistance, in letting contracts for engineering or  
7     architectural work authorized by law and in supervising the work done ~~thereunder~~;  
8     under the contracts so let.

NOTE: Corrects punctuation. Replaces disfavored terms and inserts a specific  
reference. Subsections in s. 16.85 are renumbered as paragraphs in accordance with the  
renumbering of s. 16.85 (intro.) by this bill.

9     ✓ **SECTION 66.** 16.85 (4) of the statutes is renumbered 16.85 (1g) (d) and amended  
10    to read:

11           16.85 (1g) (d) To approve the appointment of a chief operating engineer for each  
12    state-owned or operated heating, cooling, or power plant and pumping station, to  
13    provide for the methods of operating the plants and stations and to design records  
14    and forms for reporting accurately the cost per unit of product or service. The  
15    superintendent or other person having charge of each plant or station shall not only  
16    report to the agency which operates the plant or station but to the secretary in the  
17    manner and at such times as the secretary determines. In this subsection, "agency"  
18    has the meaning given under ~~sub. (2)~~ par. (d).

NOTE: Subsections in s. 16.85 are renumbered as paragraphs in accordance with  
the renumbering of s. 16.85 (intro.) by this bill.

19    ✓ **SECTION 67.** 16.85 (15) of the statutes is renumbered 16.85 (1g) (L) and  
20    amended to read:

1           16.85 (1g) (L) ~~Provide~~ To provide or contract for the provision of professional  
2 engineering, architectural, project management, and other building construction  
3 services on behalf of school districts for the installation or maintenance of electrical  
4 and computer network wiring. The department shall assess fees for services  
5 provided under this subsection and shall credit all revenues received to the  
6 appropriation account under s. 20.505 (1) (im).

NOTE: Conforms the form of this provision with the remainder of s. 16.85 (1), as  
renumbered by this bill. Subsections in s. 16.85 are renumbered as paragraphs in  
accordance with the renumbering of s. 16.85 (intro.) by this bill.

7           ✓ SECTION 68. 16.88 of the statutes is amended to read:

8           **16.88 Charges against projects.** The cost of services furnished pursuant to  
9 s. 16.85 (2) to (4), (6) and (7) (1g) (b) to (d), (f) and (g) shall be charged to and paid out  
10 of available funds for the respective projects, whenever in the judgment of the  
11 secretary the charges are warranted and the cost of the services can be ascertained  
12 with reasonable accuracy.

NOTE: Section 16.85 (2) to (7) are renumbered s. 16.85 (1g) (b) to (g) by this bill.

13           ✓ SECTION 69. 16.895 (2) (h) of the statutes is amended to read:

14           16.895 (2) (h) Periodically assess to agencies their proportionate cost of the  
15 expenses incurred by the department under this subsection and ss. 16.85 (4) (1g) (d),  
16 16.90, 16.91 and 16.92 in accordance with a method of apportionment determined by  
17 the department.

NOTE: Section 16.85 (4) is renumbered s. 16.85 (1g)(d) by this bill.

18           ✓ SECTION 70. 16.995 (2) of the statutes, as affected by 2003 Wisconsin Act 33,

19 section 1070d, is amended to read:

20           16.995 (2) FINANCIAL ASSISTANCE APPLICATIONS, TERMS, AND CONDITIONS. The  
21 department shall establish application procedures for, and the terms and conditions  
22 of, financial assistance under this section. The department shall make a loan to a

1 school district or public library board, or to a municipality on behalf of a public library  
2 board, in an amount equal to 50% of the total amount of financial assistance for which  
3 the department determines the school district or public library board is eligible and  
4 provide a grant to the school district or public library board for the remainder of the  
5 total. The terms and conditions of any financial assistance under this section may  
6 include the provision of professional building construction services under s. 16.85  
7 ~~(15)~~ (1g) (L). The department shall determine the interest rate on loans under this  
8 section. The interest rate shall be as low as possible but shall be sufficient to fully  
9 pay all interest expenses incurred by the state in making the loans and to provide  
10 reserves that are reasonably expected to be required in the judgment of the  
11 department to ensure against losses arising from delinquency and default in the  
12 repayment of the loans. The term of a loan under this section may not exceed 10  
13 years.

NOTE: Section 16.85 (15) is renumbered s. 16.85 (1g) (L) by this bill.

14 ✓ **SECTION 71.** 20.505 (1) (im) of the statutes, as affected by 2003 Wisconsin Act  
15 33, is amended to read:

16 20.505 (1) (im) *Services to nonstate governmental units; entity contract.* The  
17 amounts in the schedule to provide services and to repurchase inventory items that  
18 are provided primarily to purchasers other than state agencies, to transfer to the  
19 appropriation account under par. (kc) the amounts received from school districts  
20 under s. 16.85 ~~(15)~~ (1g) (L), and to contract with an entity under s. 153.05 (2m) (a).  
21 All moneys received from the sale of services, other than services provided under par.  
22 (is), and inventory items which are provided primarily to purchasers other than state  
23 agencies shall be credited to this appropriation account.

NOTE: Section 16.85 (15) is renumbered 16.85 (1g) (L) by this bill.

1        ✓/SECTION 72. 21.75 (9) of the statutes is amended to read:

2            21.75 (9) STATUTES OF LIMITATIONS. The period of active state service may not  
3        be included in computing any period for the bringing of any action or proceeding in  
4        any court or before any public agency, as defined in s. 36.54 (2) (a) 2., by or against  
5        a person in active state service or by or against his or her heirs, ~~executors,~~  
6        ~~administrators~~ personal representatives, or assigns, whether the cause of action or  
7        proceeding or the right to bring the action or proceeding accrued before or during the  
8        period of active state service.

NOTE: Replaces “executors” and “administrators” consistent with 2001 Wis. Act  
102.

9        ✓/SECTION 73. 23.25 (1) of the statutes is amended to read:

10          23.25 (1) The department shall do all of the following:

11          (a) Determine the correct and most appropriate names of the lakes, streams,  
12        places, and other geographic features in the state, and the spelling thereof; of those  
13        names.

14          (b) Pass upon and give names to lakes, streams, places, and other geographic  
15        features in the state for which no single generally accepted name has been in use;

16          (c) In cooperation with county boards and with their approval, change the  
17        names of lakes, streams, places, and other geographic features ~~with the end in view~~  
18        of eliminating in order to eliminate, as far as possible, duplication of names within  
19        the state;

20          (d) Prepare and publish an official state dictionary of geographic names and  
21        publish the ~~same~~ the dictionary, either as a completed whole, or in parts, when  
22        ready;

(e) Serve as the state representative of the U.S. geographic board and cooperate with the said U.S. geographic board ~~to the end~~ so that there shall be no conflict between the state and federal designations of geographic features in the state.

NOTE: Corrects punctuation and replaces disfavored terminology for improved readability and conformity with current style.

✓ **SECTION 74.** 24.05 of the statutes is amended to read:

**24.05 Survey of lands.** Whenever it ~~shall appear~~ appears necessary to the board ~~necessary~~ that surveys should be made in order to ascertain the true boundaries of any tract or portion of the public lands, or to enable it the board to describe and dispose of ~~the same~~ any tract or portion of the public lands in suitable and convenient lots, it the board may cause all ~~such~~ necessary surveys to be made.

NOTE: Replaces the passive with the active voice and inserts specific references. *Conforms verb to current style*

✓ **SECTION 75.** 24.06 of the statutes is amended to read:

**24.06 Plat of lands.** The board may subdivide any parcel of public lands into smaller parcels or village lots, with streets and alleys if necessary, whenever it believes a larger net price can be obtained by selling the land in ~~such~~ smaller parcels or lots. A survey and plat of ~~such~~ the subdivision, verified by its maker as true and correct, shall be returned and recorded in the office of the board, and the parcels or lots designated ~~thereon~~ on the survey and plat shall be appraised before ~~they~~ the parcels or lots are offered for sale. ~~Such~~ The subdivision shall be ordered, the proceedings ~~therefor~~ for the subdivision governed, and ~~such~~ the appraisal made in substantial accord compliance with s. 24.08.

NOTE: Replaces disfavored terms and inserts specific references.

✓ **SECTION 76.** 24.09 (1) (b) of the statutes is amended to read:

24.09 (1) (b) Lands required for federal, state, county, city, village, town, or school district use may be sold at the appraised value to, or exchanged for land of

See my change to <sup>(CS)</sup> NOTE. "Shall appear" is not a passive construction. CJS

SCORE  
comma

1 approximately equivalent value with, the federal government, other state  
2 departments, boards or commissions, counties, cities, villages, towns, or school  
3 districts.

NOTE: Inserts commas for improved readability.

✓ SECTION 77. 24.11 (2) of the statutes is amended to read:

24.11 (2) PURCHASER TO PAY TAXES. The board shall insert in every contract or  
certificate of sale of public land a clause providing that the vendee, and the vendee's  
heirs, administrators personal representatives, or assigns shall pay or cause to be  
paid all taxes that are or that may be assessed against the land from ~~and after~~ the  
date of the said contract or certificate of sale.

NOTE: Replaces "administrators" in accordance with 2001 Wis. Act 102. Deletes  
"and after" as redundant.

✓ SECTION 78. 24.11 (3) of the statutes is renumbered 24.11 (3) (a) (intro.) and  
amended to read:

24.11 (3) (a) (intro.) Every contract, certificate of sale, or grant hereunder of  
public lands shall ~~reserve~~ be subject to all of the following:

1. The reservation to the people of the right of access to such the lands being  
conveyed and.

2. The reservation to the people of the right of access to any meandered or  
nonmeandered stream, river, pond, or lake navigable in fact for any purpose  
whatsoever, bordered by such the lands being conveyed and all rights necessary to  
the full enjoyment of such those waters, and of all minerals in said lands, and all  
mining rights therein, and shall also be subject to.

3. The continued ownership by the state of all waterpower rights on such the  
lands being conveyed or in any manner appurtenant thereto to the lands being  
conveyed. Such conveyance shall also be subject to a

struck period

scored  
period

1        4. The reservation to the people of all minerals in the lands being conveyed, and  
 2        all mining rights in those minerals together with a continuing easement in the state  
 3        and its assigns to enter and occupy such the lands being conveyed in any manner  
 4        necessary and convenient to the removal of such mineral minerals from such the  
 5        lands being conveyed and to the proper exercise of such the reserved mineral rights,  
 6        and shall be further subject to the.

7        5. A continuing easement in the state and its assigns to enter and occupy such  
 8        the lands being conveyed in any manner necessary and convenient to the  
 9        development, maintenance, and use of any such water rights reserved under this  
 10       paragraph.

11       (b) Nothing contained in this section par. (a) shall be construed to provide for  
 12       the continued ownership in the state of any stone used for building purposes, nor of  
 13       any sand or gravel.

INS 39-13

NOTE: Subdivides provision, reorders text, and inserts specific references.

14       → \*\*\* NOTE: See my technical changes. CJS  
 14       ✓/SECTION 79. 24.11 (4) of the statutes is amended to read:

15       24.11 (4) SPECIAL TERMS FOR ESCHEATED LANDS. Upon the sale of any escheated  
 16       lands the entire purchase price shall be paid at the time of the sale; whereupon the.  
 17       The board shall then execute and deliver to the purchaser a quitclaim deed of  
 18       conveyance which shall vest that vests in the grantee all the right, title, and interest  
 19       of the state in or to the land, and every right of action which the state has respecting  
 20       the same; but no land. No covenant or warranty of title, or of continued enjoyment,  
 21       or against encumbrances, shall be expressed in or implied from such the quit claim  
 22       deed or any words therein stated in the quit claim deed. If by virtue of a better title  
 23       a recovery of such land be had by, any other person or party recovers the land within  
 24       20 years after such a purchase under this subsection, the state shall refund to the

1 purchaser <sup>remove space</sup> or to the purchaser's assigns or legal representatives, the amount paid  
 2 by the purchaser for the land, together with interest <sup>Add space</sup> thereon on the amount paid by  
 3 the purchaser at the rate of 6% per year from the date of the purchase until the date  
 4 of recovery and also the amount of all taxes on the land actually paid by the purchaser  
 5 with like interest on each payment from the time of payment to the date of the  
 6 recovery.

\*\*\*\*NOTE: See my technical changes. I added comma at line 4 <sup>of the rough draft</sup> <sup>of the draft</sup> to close off the comma at line 2. Peter Grant changed "or to" to plain text on page 39, because it may not be redundant of "in". I modified the note to reflect that change.

NOTE: Divides long sentence, replaces the passive voice with the active, and inserts specific references for improved readability and conformity with current style. "Or to" is <sup>I</sup> deleted as redundant.

7 ✓ SECTION 80. 24.12 of the statutes is amended to read:

8 **24.12 Forfeit for failure to pay.** Every purchaser of any lot or tract at any  
 9 sale as aforesaid subject to s. 24.11 shall pay at the time of sale as required by s. 24.11  
 10 (2) the amount of the purchase money required by the terms of sale to be paid in hand  
 11 immediately after having bid off the same; and if cash. If the purchaser shall refuse  
 12 or neglect refuses or neglects to so pay, the lot or tract so bid off by the purchaser shall  
 13 again be offered for sale; and the The purchaser shall, for such refusal or neglect  
 14 refusing or neglecting to pay, forfeit \$25 for each lot or tract <sup>STET: leave as typed</sup> so bid off by the  
 15 purchaser, which the board shall, in the name of the state, cause to be immediately  
 16 sued for and collected, and when collected, paid into the school fund.

NOTE: Divides long sentence, inserts specific references, and replaces the passive voice with the active.

\*\*\*\*NOTE TO REVIEWING ATTORNEY: Consider the following and let us know if you agree. The phrase "in hand" is changed to "in cash" based on the following logic:

1. "in hand" is a vague term.

2. 24.11 (1) (a) provides that "public lands may be sold for cash to be paid at the time of the sale or according to the terms specified under par. (b)." Par. (b) provides The first payment shall be not less than 15% of the purchase price, and shall be made at the time of the sale together with interest on the deferred payments in advance to February 1 of the following year. Thus there is required a cash payment of at least 15% at the time of sale.

\*\*\*\*NOTE: Instead of "in cash", I'd say "to be paid as provided in s. 24.11 (1)". Also, I don't understand the reference to s. 24.11 (2), which deals only with the payment of taxes. PG

\*\*\*\*NOTE: I added a comma at line 16 to set off the proposed comma after "collected". CJS

of the rough draft

I adjusted "quit claim" consistent with the spelling elsewhere in this statute and in the statutes generally. CJS



1       ✓ SECTION 81. 24.14 of the statutes is renumbered 24.14 (1) and amended to read:

2           24.14 (1) ~~Any person who has purchased from the United States or entered any~~  
3       of the In this section, "subject lands" means lands patented to this state as swamp  
4       and overflowed lands, or lands patented in lieu of such swamp and overflowed lands.

5           (2) Any person who has purchased from the United States or entered any  
6       subject lands prior to the execution of such Unites States patents to this state for the  
7       subject lands, may whenever such those entries have been canceled by the United  
8       States on account of a conflict with the right and title of this state to such the subject  
9       lands, purchase the subject lands from this state, prior to the date fixed for the public  
10      sale thereof, ~~such lands so purchased or entered from the United States of the subject~~  
11      lands, upon making satisfactory proof to the board that such the person is the  
12      identical person, or the heir, legal representative, or assign of the person, who  
13      purchased or entered such the subject lands as ~~aforesaid~~ as provided in this  
14      subsection, and upon paying to this state for ~~such the subject~~ the subject lands the same price  
15      at which such the purchase or entries were made from the United States; ~~but~~  
16      ~~nothing~~. Nothing contained in this chapter ~~shall impair~~ impairs the rights acquired by any  
17      person who has preempted any such subject lands under the laws of this state.

NOTE: Subdivides section, inserts definition, replaces disfavored terms, and deletes unnecessary verbiage.

18       ✓ SECTION 82. 24.145 of the statutes is renumbered 24.145 (1) and amended to  
19      read:

20           24.145 (1) It is declared that none of the swamp and overflowed lands  
21      heretofore granted to this state pursuant to an act of congress entitled "An Act to  
22      enable the state of Arkansas and other states to reclaim the swamp lands within  
23      their limits", approved September 28, 1850, and the proceeds derived from the sale

thereof, of those lands which ~~that~~ have not heretofore been actually applied for reclamation of ~~such~~ those lands, are necessary for the purpose of reclaiming any such swamp and overflowed lands by construction of levees and drains or otherwise.

(2) All ~~such~~ swamp and overflowed lands described in sub. (1) and the proceeds derived from the sale ~~thereof~~ of those lands including those placed and being in the drainage fund pursuant to chapter 537, laws of 1865, ~~which~~ that have not been actually applied for the purpose of reclaiming ~~such~~ those lands, shall be ~~and they are~~ made a part of the normal school fund. This section shall be ~~controlling~~ controls over any inconsistent act or statute.

NOTE: Subdivides section, replaces the passive voice with the active, replaces disfavored terms, and deletes unnecessary verbiage.

→ ~~\*\*\*\*~~ NOTE: See my change to NOTE (S). No instance of the passive voice has been replaced. CJS

✓ SECTION 83. 24.15 of the statutes is amended to read:

**24.15 Private sale.** All public lands, including forfeited lands and mortgaged lands bid in by the state, which shall ~~that~~ have once been offered or reoffered at public sale and remain unsold, shall be subject to private sale at the minimum price fixed therefor for the sale of the land by law to the person first making application therefor for the purchase of the lands, if the person ~~forthwith~~ immediately complies with the term of sale; ~~but if~~. If 2 or more persons shall apply at the same time to purchase any of ~~such~~ the same lands under this section, the ~~same~~ lands shall be offered to the highest bidder, and the applicant who will pay the highest price shall be the purchaser.

NOTE: Replaces disfavored terminology with specific references.

→ ~~\*\*\*\*~~ NOTE: See changes by PG. ~~NOTE~~ In the originally proposed version, I don't understand why the comma before "which shall have once been offered" has been struck out. In PG's version, I don't understand why the comma before "shall be subject to private sale" has been struck out. CJS

read:

**24.16 Applications for private sale.** (intro.) Every person making application under s. 24.15 for the purchase at private sale of any such public lands

1 shall file in the office of the board an application in writing, describing the lot or tract  
2 which that the person proposes to purchase by the proper number of the section,  
3 township and range, and the subdivision of the section, with the person's name  
4 subscribed thereto to the application. The board shall, if the land applied for may  
5 then be sold, ~~enter~~ do all of the following:

6 <sup>(P)</sup>  
(1) Enter on books kept for that purpose a note of ~~such~~ the application,  
7 specifying the day when made, the name of the applicant, and the description of the  
8 land applied for, ~~and shall also give~~.

9 <sup>(B)</sup>  
(2) Give to ~~such~~ the applicant a memorandum signed by the executive secretary  
10 of the board, stating ~~such~~ the application ~~and~~, describing the lot or tract applied for,  
11 and stating the price at which the ~~same~~ lot or tract may be sold and the amount to  
12 be paid at the time of the sale, ~~which memorandum shall be signed by the executive~~  
13 ~~secretary of the board~~.

NOTE: Subdivides provision, reorders text, and replaces disfavored terminology  
with specific references.

14 ✓ **SECTION 85.** 24.17 (1) of the statutes, as affected by 2003 Wisconsin Act 33, is  
15 amended to read:

16 24.17 (1) When the purchaser of any ~~such~~ public lands ~~shall make~~ makes  
17 payment to the secretary of administration of the amount required to be paid on ~~such~~  
18 the sale, and, in case of a private sale, ~~shall also produce~~ produces the memorandum  
19 ~~mentioned~~ described in s. 24.16, the secretary of administration shall give a receipt  
20 therefor to such the purchaser for the amount paid, and unless ~~such the~~ the sale be made  
21 is wholly for cash, the board shall execute and deliver to ~~such person~~ the purchaser  
22 a duplicate certificate of sale, in which it the board shall certify all of the following:

23 (a) The description of the land sold;

\*\*\* NOTE: I added a comma at line 20  
to offset proposed comma at line  
21 after "cash". CJS

of rough draft

(b) The sum paid and the amount remaining due thereon;

(c) The times, place, and terms of payments;

(d) That if ~~such~~ the payments shall be ~~duly~~ are made in accordance with the terms stated in the certificate of sale, the purchaser, or the purchaser's assigns or other legal representatives, shall be entitled to a patent for ~~such~~ the land;

(e) ~~And that~~ That in case of the nonpayment into the state treasury of any of the following, the certificate of sale from the time of the nonpayment shall be void and the board may take possession of and resell the land described in the certificate:

1. The purchase money as it shall become becomes due, or of the.

2. The interest thereon on the purchase money by the first day of February in

each year or on or before the June 30th thereafter, or of any.

→ ~~\*\*\*\* NOTE: I think it should say "the next following June 30" or the like, since there are numerous June 30's that fall "thereafter" CJ's~~

3. Any taxes lawfully assessed thereon on the lands described in the certificate

and then remaining unpaid by the purchaser or purchasers or by any person claiming under the purchaser or purchasers, then that the said certificate from the time of such failure shall be utterly void and of no effect, and that the board may take possession of the land described in such certificate and resell the same.

→ ~~\*\*\*\* NOTE: A~~

✓ SECTION 86. 24.17 (2) of the statutes, as affected by 2003 Wisconsin Act 33, is amended to read:

24.17 (2) When the sale is wholly for cash, upon payment as above provided to the secretary of administration, the secretary of administration shall thereupon immediately give to ~~such~~ the purchaser a receipt stating the amount paid and giving a description of the lot or tract of land sold, and that ~~such~~ the purchaser is entitled to receive a patent according to law.

NOTE: Inserts specific reference, corrects punctuation, and deletes unnecessary verbiage.

→ Verbiage

→ ~~\*\*\*\* NOTE: "upon payment to the secretary of state" is vague. Payment of what? For what? Must the purchaser pay a fee in order to receive a receipt of the purchase? CJ's~~

Do you want to add a revisor's note here? CJ's

some kind of

1 ✓ **SECTION 87.** 24.18 of the statutes is amended to read:

2       **24.18 Entry of sale and patent.** When any sale of public lands is made, the  
3 board shall make a note ~~thereof~~ of the sale in the book of entries, ~~and shall enter~~  
4 ~~therein, entering~~ the day of sale, the name of the purchaser, the number of the  
5 certificate or patent, the sum paid, the amount of purchase money unpaid, if any, and  
6 a description of the lot or tract sold. If ~~such~~ the sale ~~be made~~ is wholly for cash it,  
7 ~~the board~~ shall ~~thereupon~~ immediately execute and deliver to the purchaser a patent  
8 for ~~such~~ the lot or tract of land so sold. If ~~the land is~~ sold at public auction ~~it, the board~~  
9 shall note that fact.

NOTE: Inserts specific reference, corrects punctuation, and replaces disfavored terminology.

Issued  
under  
S. 24.17

10 ✓ **SECTION 88.** 24.19 of the statutes is amended to read:

11       **24.19 Certificate of sale.** All original and duplicate certificates of sale shall  
12 be properly numbered, and the original shall be filed in the office of the board, ~~and~~  
13 ~~as. As~~ many distinct lots or tracts of land hereafter purchased by one person in one  
14 section at the same time as that person shall ~~request~~ requests shall be included in  
15 one certificate or one patent, as the case may be. ~~All certificates~~ Certificates of sale  
16 may be acknowledged and recorded in the same manner ~~that as deeds may be. They~~ <sup>Strike</sup>  
17 Certificates of sale may also be assigned in writing, ~~which. The~~ assignment may be  
18 acknowledged and recorded in like the same manner as deeds, and the person to  
19 ~~whom the same shall be legally assigned~~ assignee shall have the same rights and  
20 remedies ~~thereupon~~ under the certificate as the original purchaser would have had.

NOTE: Inserts specific reference, corrects punctuation, and deletes unnecessary verbiage.

21 ✓ **SECTION 89.** 24.20 of the statutes, as affected by 2003 Wisconsin Act 33, is  
22 amended to read:

~~See~~ ~~\*\*\*~~ NOTE: See my changes. I added ~~an~~ an  
x-ref to S. 24.17, following what was done on  
page 49, line 5. CJS  
of the rough draft

**24.20 Payments and accounts.** All money paid on account of sales of public lands shall be paid to the secretary of administration who shall credit the proper fund therewith with the amount paid, crediting the general fund with the proceeds of sales of Marathon County lands, ~~and the~~. The secretary of administration or the secretary's designee, upon countersigning the receipt given therefor for the amount paid, shall enter the name of the person paying the same making the payment, the number of the certificate, if any, upon which the amount shall be paid and the time of the payment.

NOTE: Divides long sentence, inserts specific reference, corrects punctuation, and deletes unnecessary verbiage.

\*\*\* NOTE: ~~Section 90. 24.21~~ <sup>added</sup> ~~is amended to read:~~ <sup>serial comma on line 7.</sup> CJS

✓ SECTION 90. 24.21 of the statutes is amended to read:

**24.21 Accounts with purchasers.** The board shall open and keep an account with each purchaser for every lot or tract of land that ~~shall be~~ <sup>is</sup> sold, either at public or private sale, in books kept for that purpose, in which it the board shall charge the purchaser with the whole purchase money and give the purchaser credit for all the purchaser's payments, making proper charges for interest as ~~the same shall become~~ it becomes due, and for all taxes returned to it as unpaid by the proper officer; ~~and upon.~~ Upon all payments being completed and the patent issued the account shall be balanced.

NOTE: Divides long sentence and inserts specific references.

✗ SECTION 91. 24.22 of the statutes is renumbered 24.22 (1) and amended to read:

**24.22 (1)** Whenever full payment of the principal due upon any certificate of sale by the state ~~shall be~~ is made subsequent to the payment of the annual interest thereon on the principal, the excess of the interest so paid shall be refunded to the person entitled thereto to the excess payment, from the proper fund, on the warrant of the department of administration; ~~and in case,~~

(2) In the event of the double or erroneous payment of interest, charges, or taxes on any certificate of sale or loan by the state, the amount so erroneously paid shall be ~~in like manner~~ refunded in the same manner as excess interest payments under sub. (1).

NOTE: Divides long sentence, replaces the passive voice with the active, and inserts specific references.

→ \*\*\*\* NOTE: See my change to <sup>(S)</sup>NOTE. No instance of the passive voice has been replaced. CJS

✓ SECTION 92. 24.23 of the statutes is amended to read:

**24.23 Title; patents.** The title and fee of all public lands shall remain in the state until patents ~~shall issue for the same; and no such~~ for the land are issued. No patent shall ~~issue~~ be issued except upon full payment of the purchase money and interest and all taxes returned and lawful charges ~~thereon~~ on the lands being purchased.

NOTE: Divides long sentence, replaces the passive voice with the active, and inserts specific references.

→ \*\*\*\* NOTE: See my change to <sup>(CS)</sup>NOTE. No instance of the passive voice has been replaced. CJS

✗ SECTION 93. 24.24 of the statutes is amended to read:

**24.24 Effect of certificate.** (1) The Except when voided by forfeiture under s. 24.28, a certificate of sale, issued pursuant to under s. 24.17, until the same becomes void by forfeiture under s. 24.28, shall ~~entitle~~ entitles the purchaser, or the purchaser's heirs or assigns, to all the rents, benefits, and provisions of any lease existing ~~thereon~~ on the lands described in the certificate at the time of ~~such~~ the land purchase and thereafter accruing, ~~and shall be~~ after the purchase. The certificate of title is sufficient evidence of title, and shall ~~vest~~ vests in the purchaser, or the purchaser's heirs and assigns, the same rights of possession, enjoyment, descent, transmission, and alienation of the lands ~~therein~~ described in the certificate and the same remedies for the protection of said those rights, as against all persons, except

a sale

1 the state, that the purchaser would possess if the purchaser were the owner thereof  
2 in fee of the described lands.

3 (2) ~~No such~~ Notwithstanding sub. (1), a certificate shall of title <sup>sale</sup> does not confer  
4 the right to cut down, destroy ~~or~~, dig up, or carry off any standing wood or timber, or  
5 any mineral, located on the lands described in the certificate without the written  
6 consent of said the board, except ~~that such wood~~ <sup>↓</sup> as follows:

7 (a) Wood or timber may be cut when ~~to be used~~, and it shall is to be exclusively  
8 used, in the erection of fences or buildings on ~~such~~ the described lands, ~~or~~.

9 (b) Wood or timber may be cut for necessary firewood for the household use of  
10 the persons actually occupying the ~~same~~, or the described lands.

11 (c) Wood or timber may be cut when done in good faith for the actual and fair  
12 improvement of ~~such land~~ the described lands for cultivation.

13 (3) ~~But Notwithstanding sub. (2) (c), no such cutting of wood or timber~~ shall  
14 be deemed to have been done for the purposes of cultivation unless the entire surface  
15 from which ~~such~~ the wood and timber is cut ~~shall have been~~ was at the time further  
16 prepared ~~therefor~~ for cultivation by thoroughly clearing it ~~of~~ all brush and growing  
17 wood of every kind ~~thereon~~, except that shade or ornamental trees on not more than  
18 10 adjoining acres selected for building purposes, and trees valuable for saw or rail  
19 timber, not to exceed 20 upon each acre, may be left standing. ~~Any~~

20 (4) Except as provided in subs. (2) and (3), any wood, timber, or mineral  
21 otherwise cut, dug out, or removed from any ~~such land~~ subject to a certificate of sale <sup>of described in</sup>  
22 shall ~~be and~~ remain the property of the state.

NOTE: Subdivides provision, reorganizes text, <sup>Verbiage</sup> replaces the passive voice with the active, deletes excess verbiage, and inserts specific references.

→ \*\*\*\*NOTE: See changes to text and ~~1~~ <sup>(S)</sup> NOTE.  
"Certificate of sale" is the term used on page 47, line 13,  
and page 48, line 2. "Described in" is the phrase used on  
page 48, line 5, and ~~page~~ <sup>of the rough draft</sup> page 47, line 20, of the rough draft. CJS



✓ (9) SEC. #. AM; 24.25(title)

1 ✓ SECTION 94. 24.25 of the statutes, as affected by 2003 Wisconsin Act 33, is  
 2 (title) (no B) renumbered 24.25 (1) and amended to read: 24.25 ← PLAIN

3 **24.25 Patent Issuance and record thereof of patent.** (1) <sup>described in</sup> Whenever full  
 4 payment shall have been is made for any such public lands subject to a certificate of  
 5 sale issued under s. 24.17, as required by law, and the purchaser, or the purchaser's  
 6 legal representatives shall ~~produce~~, produces to the board the duplicate certificate  
 7 of sale, with the receipt of the secretary of administration endorsed ~~thereon~~ on the  
 8 duplicate certificate, showing that the whole amount of the principal and interest  
 9 due ~~thereon~~ on the purchase of the land described in the certificate has been paid and  
 10 that the holder of such the duplicate certificate is entitled to a patent for the lands  
 11 described ~~therein~~ in the certificate, the original and duplicate certificates shall be  
 12 canceled, and the board shall ~~thereupon~~ immediately execute and deliver a patent  
 13 to the person entitled thereto to the patent for the land described in such the  
 14 certificate. <sup>\*\*\* NOTE: See my changes. "Described in" is the phrase that was used on page 48, line 5, and elsewhere. "Public" seems since the lands are described in the certificate. superfluous CJS</sup>

15 (2) All patents issued by the board shall be recorded in its the board's office; <sup>in the rough draft</sup>  
 16 and the The board's record of patents heretofore issued by it is hereby declared  
 17 constitutes a legal record. <sup>struck period → (C)</sup>

18 (3) Purchasers may, at any time before payment is due, pay any part or the  
 19 whole of such the purchase money for the land and the interest ~~thereon~~ owing on the  
 20 purchase money.

21 (4) In all cases where patents have been or may hereafter be If a patent is issued  
 22 to a person who may have died or who shall die dies before the date thereof of the  
 23 patent, the title to the land described therein shall ~~inure~~ inures to to and become  
 24 vested vests in the decedent's heirs, devisees, or assignees of such person to the same

1 extent as if the patent had issued to ~~that person~~ the decedent during ~~that person's~~  
2 the decedent's lifetime.

NOTE: Subdivides provision, reorganizes text, replaces the passive voice with the active, deletes excess verbiage, and inserts specific references.

3 ✓ **SECTION 95.** 24.251 of the statutes is amended to read:

4 **24.251 Patents, issuance; county may record.** Whenever it shall appear  
5 appears to the board of commissioners of public lands that all the conditions relating  
6 to the issuance of patents have been complied with, the board may issue patents, and  
7 the county board of any county may cause such the patents to be recorded in the  
8 county and pay the cost of such the recording.

NOTE: Replaces the passive voice with the active. "Board" is defined in s. 24.01 as the board of commissioners of public lands.

→ \*\*\*\*\* NOTE: See my change to the NOTE. CJS

9 ✓ **SECTION 96.** 24.26 of the statutes is amended to read:

10 **24.26 Patentee's rights.** Except as provided otherwise by under s. 24.11 any  
11 person, or the person's heirs or assigns, who ~~shall receive~~ receives a patent pursuant  
12 to law for any public lands ~~shall thereby acquire~~ acquires the right to all timber,  
13 lumber, trees, wood, bark, stone, earth, and other materials cut, dug, taken, or  
14 removed ~~therefrom~~ from the lands subject to the patent before the issue of such the  
15 patent, unless the ~~same shall have been~~ materials were cut, dug, taken, or removed  
16 by the assent of said the board or were sold by the state, and. The person receiving  
17 the patent may maintain any proper an action for the recovery thereof of the  
18 materials that were cut, dug, taken, or removed, or for any injury done to or trespass  
19 committed upon said the lands before such the patent ~~shall have been~~ was issued,  
20 in the same manner and, with the like same effect, and the person shall be entitled  
21 to like with the same entitlement to damages as if such the injury or trespass had  
22 been committed after the patent had was issued.